

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA

JAMES F. BREWSTER,

Plaintiff,

v.

Civil Action No. 5:08CV11  
(SENIOR JUDGE STAMP)

MICHAEL J. ASTRUE,  
Commissioner of Social Security,

Defendant.

**REPORT AND RECOMMENDATION THAT THIS ACTION BE DISMISSED FOR  
FAILURE TO PROSECUTE**

Plaintiff filed this action January 11, 2008. Plaintiff's IFP application was denied May 13, 2008. On August 19, 2008, Plaintiff was ORDERED to pay the filing fee within fourteen (14) days of the date of the Order. Plaintiff was notified in the Order that if he failed to pay the filing fee within fourteen (14) days of the date of the Order, a Report and Recommendation would be entered recommending this action be dismissed. More than five (5) months has passed and Defendant has still not paid the filing fee.

Accordingly, it is recommended this action be **DISMISSED** for failure to prosecute.

The Clerk of the Court is directed to provide a copy of this Order to parties who appear pro se and all counsel of record, as applicable, as provided in the Administrative Procedures for Electronic Case Filing in the United States District Court for the Northern District of West Virginia.

DATED: January 16, 2009

/s/ James E. Seibert  
JAMES E. SEIBERT  
UNITED STATES MAGISTRATE JUDGE